

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
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DATE FILED: 12/12/2019

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UNITED STATES OF AMERICA :

-against- :

JOHN LAMBERT,
a/k/a "Eric Pope," :

Defendant. :

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19-CR-571 (VEC)

ORDER

VALERIE CAPRONI, United States District Judge:

WHEREAS a sentencing hearing is currently scheduled for December 18, 2019;

WHEREAS non-party Centra Tech, Inc. ("Centra Tech") contends that it is a victim of Defendant's crime, pursuant to Rule 60 of the Federal Rules of Criminal Procedure, the Crime Victim's Rights Act, and the Mandatory Victim Restitution Act, Dkt. 21 at 1;

WHEREAS Centra Tech has moved to be heard at the sentencing hearing and to receive restitution, Dkt. 21 at 1;

WHEREAS the Government opposes Centra Tech's motion and argues that Centra Tech is not a "victim" because Centra Tech allegedly benefitted from Defendant's fraud or merely lost its ill-gotten gains as a result of Defendant's fraud, Dkt. 26 at 11-13;

WHEREAS Defendant has not responded to Centra Tech's motion; and

WHEREAS the Court cannot determine, without an evidentiary hearing, whether Centra Tech benefitted from Defendant's fraud or whether Centra Tech used illegal proceeds to pay for Defendant's fraudulent services;


IT IS HEREBY ORDERED that the sentencing hearing currently scheduled for December 18, 2019 is adjourned to **January 21, 2020, at 11:00 A.M.**

IT IS FURTHER ORDERED that, no later than **December 17, 2019**, Centra Tech must file a letter indicating whether it intends to proceed with its motion and participate in an evidentiary hearing. If Centra Tech does intend to proceed, the Government and Centra Tech must submit a joint letter, no later than **December 20, 2019**, with at least three proposed dates on which the relevant witnesses are available to testify; the proposed dates must be at least one week in advance of Defendant's sentencing hearing.

IT IS FURTHER ORDERED that Defendant must file a letter explaining his opposition, in any, to Centra Tech's motion, no later than **December 20, 2019**. If Defendant opposes the motion, Centra Tech may file a letter in reply, no later than **December 27, 2019**.

SO ORDERED.

Date: December 12, 2019
New York, NY


VALERIE CAPRONI
United States District Judge